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SUBJECT: BRV TARGETS ROSALES ADVISOR

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Classified By: Dan Lawton, Acting Political Counselor,
for Reason 1.4(b).

SUMMARY

¶1. (C) Attorney General Isaias Rodriguez announced September 18 the re-opening of a 20-year-old police shooting case against Henry Lopez Sisco, a long-time confidant of opposition candidate Manuel Rosales. Sisco is a former DISIP Commander who allegedly participated in the 1986 shooting deaths of nine Venezuelan guerrillas in the Yumare area of Yaracuy state, as well as other alleged police massacres in the 1980s. The BRV appears ready to exploit this rare convergence of a selective prosecution against an opposition figure and "human rights" activism. END SUMMARY

LOPEZ SISCO FREQUENTLY IN THE SPOTLIGHT

¶2. (C) Henry Lopez Sisco commanded a DISIP-created SWAT team formed in the late 1970s, organized to counter guerrilla activity in Venezuela. He participated in three incursions in the 1980s, historically labeled massacres. Twenty years later, the BRV is re-inserting the Yumare massacre into the news cycle. In May 1986, Lopez Sisco's squad allegedly shot and killed nine guerrillas of the "Punto Cero" organization in Yaracuy state. In addition to Yumare, Lopez's squad allegedly killed 23 individuals who formed part of the then-guerrilla, now political party, Bandera Roja in the area of Cantuara in 1982, as well as fourteen fishermen in El Amparo in 1988. Lopez Sisco served time in prison for his participation in the El Amparo incident.

¶3. (C) Lopez Sisco is linked to other notable events, both notorious and laudable. He was convicted for a 1993 letter bomb attack on the Supreme Court, but served no jail time. He is well known for his role in the 1983 rescue of hostages on a hijacked Aeropostal airliner on its way to Curacao. He also participated in the rescue of businessman William Niehaus, whose three-year kidnapping in the 1970s stands as one of the longest kidnappings in the country's history.

POLITICAL VICTIMIZATION

¶4. (C) Facing Rosales's rising numbers and criticism for sabotaging Rosales's campaign stops, Chavez and the BRV appear to have added the tactic of attempting to smear a Rosales confidant. While Lopez Sisco is not officially involved in any Rosales campaign activities, he does enjoy a long-standing relationship with Rosales and currently maintains a title of security advisor to the state government of Zulia. Lopez Sisco also appears, however, to maintain a position deep within Rosales's inner circle, making him and his checkered history a target of opportunity for the government.

STRANGE BEDFELLOWS

¶5. (C) Human Rights group PROVEA for several years has represented families of the victims of Yumare. PROVEA Director Marino Alvarado told Poloff September 21 that court records were unsealed in 1999 due to PROVEA actions. Alvarado believes there is sufficient cause to reopen the case. He posits that the statute of limitations governing this incident has not expired, due to legal actions in 1999, essentially resetting the clock. BRV AG Rodriguez argues that the statute of limitations is not applicable because the killings are a violation of human rights, which have no statute of limitations. Lopez Sisco operated in the 1980s under the control of then-President Jaime Lusinchi, allegedly with orders to do whatever necessary to wipe out guerrillas and subversives. Under that rationale, Lopez Sisco is accused of operating in an environment of impunity, which critics say all but ensured his exoneration, leading both Rodriguez and Alvarado to question the validity of any legal findings from that era.

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¶6. (C) The BRV and human rights NGOs rarely want the same thing. In this case, they share a target, even if their ultimate objectives remain divergent. Chavez, with Rodriguez as his mouthpiece, likely wants to see Lopez Sisco behind bars or at least in court because that is how he often pursues his political opponents (e.g. Sumate's Maria Corina Machado, Labor's Carlos Ortega, General Francisco Uson, Mayor Capriles - all imprisoned or facing imprisonment on legally murky grounds). Alvarado, on the other hand, leads a human rights group whose every attempt to seek justice is frustrated by this government. A re-opening of this case could be the legal impetus necessary to open doors in other stalled cases.

BRV BUYING OFF PROVEA?

¶7. (C) International law expert Juan Carlos Sainz offers a more disappointing explanation for the convergence of the BRV's and PROVEA's agendas. Sainz suggests that PROVEA is receiving surreptitious funding from the BRV in exchange for pursuing certain cases and leaving others alone. For example, says Sainz, publicity surrounding a case dating twenty years promises much less controversy than the plethora of cases surrounding April 11, 2002. By opening one door for PROVEA and leaving others firmly shut, Chavez and the BRV can nudge the human rights group in a certain direction, or more importantly, away from more polemical issues.

¶8. (C) Monica Fernandez (protect), ex-judge and criminal justice expert agrees that Alvarado and PROVEA may be playing both sides of the fence. PROVEA is one of many NGOs threatened with extinction by the anti-NGO law, but Alvarado's rhetoric, according to Fernandez, has taken on a Chavista tint of late. On the one hand, Alvarado portrays himself to Poloffs as the victim, afraid Chavez will destroy him and his NGO; on the other hand, Fernandez says,

Alvarado's voice is absent among those NGOs who stand the most to lose (which would presumably include PROVEA).
(COMMENT: Post has no information other than these statements to confirm that PROVEA, a group that has routinely provided Post reliable human rights data, is receiving government payments. The allegations, however, are made by two separate, reputable sources. END COMMENT)

JUSTICE IN THE BRV

¶9. (C) Both Sainz and Fernandez separately told Poloff that there is no legal basis to re-open the investigation against Lopez Sisco. Legally speaking, the statute of limitations has indeed passed, as the BRV had not ratified international human rights conventions governing the elimination of a statute of limitations for human rights violations at the time. Sainz argues that it is an international legal precept that the law cannot be applied retroactively. Both Sainz and Fernandez argue, however, that in the BRV justice system, legality takes a back seat to Chavista whims. Both believe the BRV will throw the book at Lopez Sisco and that Lopez Sisco will go to jail.

COMMENT

¶10. (C) This is a politically-motivated maneuver. To be sure, however, Lopez Sisco's hands may not be completely clean. While the notion that Chavez is acting out of a genuine pursuit of justice is laughable, it is not lost on the Embassy that we ourselves have reported on the fallibility of military justice in this country. Does Lopez Sisco's vulnerability advance Chavez's electoral aspirations? Marginally. Smearing a confidant of his opponent is an advantage, but it is just one of many tools available to Chavez. What is striking is that the crafty Chavez may have recruited a most unlikely ally - a human rights NGO under fire - to aid and abet in this politically enhancing move.

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